

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY MAY 21, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 16, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 828**

---

**Introduced by Assembly Member Lieu**  
**(Coauthors: Assembly Members Brownley, Huffman, Monning,**  
**Ruskin, and Saldana)**  
**(Coauthor: Senator DeSaulnier)**

February 26, 2009

---

An act to amend Section 18930.5 of the Health and Safety Code, and to add Section 25402.11 to the Public Resources Code, relating to building standards.

### LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Lieu. Green building standards.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy conservation and water efficiency standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the

building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

This bill would require the commission or any state agency proposing green building standards to seek the input of other state agencies and consult with representatives from specified groups, as prescribed. The bill would require any agency providing input to recommend to the commission or proposing agency whether the standard should be voluntary or mandatory. ~~The bill would require that the green building standards adopted and approved by the commission be inserted into relevant parts of the California Building Standards Code.~~ The bill would also authorize the State Energy Resources Conservation and Development Commission to develop and adopt voluntary energy efficiency standards, as described.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 18930.5 of the Health and Safety Code
- 2 is amended to read:
- 3 18930.5. (a) If no state agency has the authority or expertise
- 4 to propose green building standards applicable to a particular
- 5 occupancy, the commission shall adopt, approve, codify, update,
- 6 and publish green building standards for those occupancies.
- 7 (b) In developing green building standards, the commission or
- 8 any state agency proposing standards shall seek the input of other
- 9 state agencies including, but not limited to, all of the following:
- 10 (1) The Department of General Services.
- 11 (2) The California Integrated Waste Management Board.
- 12 (3) The State Air Resources Board.
- 13 (4) The Department of Water Resources.
- 14 (5) The Department of Toxic Substances Control.
- 15 (6) The State Department of Public Health.
- 16 (7) The Department of Transportation.
- 17 (8) The Office of the State Fire Marshal.
- 18 (c) If the commission or an agency that proposes green building
- 19 standards receives input from another state agency and the input

1 is consistent with the agency's mandate, the commission or the  
2 receiving agency shall consider and respond in writing to the input  
3 provided. A written response is intended to serve as an  
4 acknowledgment of the receipt and consideration of input and  
5 allow the public to track the development of green building  
6 standards.

7 (d) In developing green building standards, the commission or  
8 any state agency proposing the standards shall also consult with  
9 representatives from all of the following:

- 10 (1) Environmental advocacy groups.  
11 (2) Interested local government and code enforcement entities.  
12 (3) The building construction and design industry.  
13 (4) Interested public parties.

14 (e) In addition to meeting the requirements of subdivision (b),  
15 the development of green building standards shall comply with  
16 the process described in Section 18930.

17 (f) An agency that provides input regarding green building  
18 standards, as described in subdivisions (b) and (c), shall  
19 recommend to the commission or agency proposing the standard  
20 whether the standard should be voluntary or mandatory. Voluntary  
21 standards shall exceed mandatory standards where such mandatory  
22 standards exist.

23 ~~(g) The green building standards adopted or approved by the~~  
24 ~~commission pursuant to this section shall, at a minimum, be~~  
25 ~~inserted into the relevant part of the California Building Standards~~  
26 ~~Code, where appropriate.~~

27 ~~(h)~~

28 (g) Green building standards proposed or adopted pursuant to  
29 this section shall be intended to protect the public's health and  
30 safety, minimize the building's impact on the environment through  
31 efficient use of natural resources, promote occupant health, and  
32 reduce strain on the local infrastructure while utilizing best  
33 available technology and building practices. These building  
34 standards include, but are not limited to, standards relating to site  
35 planning, water efficiency, energy efficiency, materials and  
36 resource efficiency, reduction of toxic chemicals, indoor air quality,  
37 and environmental quality.

38 SEC. 2. Section 25402.11 is added to the Public Resources  
39 Code, to read:

1 25402.11. (a) The State Energy Resources Conservation and  
2 Development Commission may develop, adopt, and submit to the  
3 California Building Standards Commission voluntary energy  
4 efficiency standards.

5 (b) The voluntary standards specified in subdivision (a) shall  
6 be considered green building standards for the purposes of Section  
7 18930.5 of the Health and Safety Code and shall exceed the  
8 mandatory standards adopted by the State Energy Resources  
9 Conservation and Development Commission pursuant to Section  
10 25402.

11 (c) In developing the voluntary standards specified in  
12 subdivision (a), the State Energy Resources Conservation and  
13 Development Commission shall seek to do both of the following:

14 (1) Ensure that the cost to the public is reasonable, based on the  
15 overall benefit to be derived from the building standards.

16 (2) Leverage available incentive mechanisms.